

AMENDED IN SENATE APRIL 27, 2000

AMENDED IN SENATE APRIL 13, 2000

**SENATE BILL**

**No. 2117**

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**Introduced by Senator Johnson**

February 25, 2000

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An act to add ~~Section 33492.114 to the Health and Safety Code, relating to~~ *Sections 20176 and 20688.5 to the Public Contract Code, relating to* redevelopment, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 2117, as amended, Johnson. Redevelopment: Tustin Marine Corps Air Station.

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Existing law authorizes a redevelopment project for the Tustin Marine Corps Air Station and surrounding areas.

This bill would authorize the City of Tustin *and the Tustin Community Redevelopment Agency* to negotiate and award design and build contracts, notwithstanding certain competitive bidding requirements, for various improvements that support redevelopment at the Tustin Marine ~~Corp~~ *Corps* Air Station if the contracts are entered into within 7 years after the execution of a deed or lease in furtherance of the conveyance by the United States Department of Defense to the city *or the Tustin Community Redevelopment Agency* of the property on which the improvements will be located. *This bill would make legislative findings as to the necessity for a special statute.*

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 ~~SECTION 1. — Section 33492.114 is added to the Health~~

2 *SECTION 1. Section 20176 is added to the Public*  
3 *Contract Code, to read:*

4 *20176. (a) This section provides an alternative and*  
5 *optional procedure that applies only to the City of Tustin*  
6 *and the territory within the Tustin Marine Corps Air*  
7 *Station.*

8 *(b) If the city council elects to proceed under this*  
9 *section, it shall cause estimates to be prepared and*  
10 *prepare documents for the solicitation of bids on a*  
11 *design-and-build basis. As used in this section,*  
12 *“design-and-build” means a method of procuring design*  
13 *and construction from a single source. The selection of*  
14 *the single source occurs before the development of*  
15 *complete plans and specifications.*

16 *(c) The request for submittals shall include all of the*  
17 *following:*

18 *(1) A clear and precise description of the services to be*  
19 *provided and the work to be performed.*

20 *(2) A description of the format that the submittals shall*  
21 *follow and the elements that they shall contain, including*  
22 *the qualifications and relevant experience of the design*  
23 *professional and the contractor; and the criteria that the*  
24 *city shall use to evaluate the submittal, including the bid*  
25 *price.*

26 *(3) The date on which the submittals are due, and the*  
27 *timetable that the city will use to review and evaluate the*  
28 *submittals.*

29 *(d) In addition to the information required by*  
30 *paragraph (2) of subdivision (c), the bidders shall submit*  
31 *their proposal with the construction bid price and all cost*  
32 *information in a separate sealed envelope.*

1 (e) Prior to opening the separate sealed envelopes, the  
2 city shall review all proposals received to determine those  
3 that meet the format requirements and the standards  
4 specified in the request for submittal.

5 (f) The city shall award the contract to a responsible  
6 bidder that meets the standards of the request for  
7 submittal at a fair and reasonable cost.

8 (g) For the purposes of this section, the selection of  
9 design professionals shall meet the standards of Chapter  
10 10 (commencing with Section 4525) of Division 5 of Title  
11 1 of the Government Code.

12 (h) This section applies only to the following:

13 (1) The construction of public roads, storm drains,  
14 sewers, water lines, flood control facilities, and public  
15 buildings.

16 (2) The installation of utilities.

17 (3) The renovation or preservation of public buildings.

18 (4) The demolition, construction, or installation of  
19 other public improvements that support the  
20 redevelopment of the Tustin Marine Corps Air Station.

21 (i) This section applies only to a project that is under  
22 the supervision of a licensed general building contractor  
23 within the meaning of Section 7057 of the Business and  
24 Professions Code.

25 (j) The authority provided by this section shall remain  
26 in effect only for seven years from the date of the  
27 execution of a deed or lease in furtherance of the  
28 conveyance by the United States Department of Defense  
29 to the City of Tustin or the Tustin Community  
30 Redevelopment Agency of the real property on which  
31 these public improvements will be located.

32 SEC. 2. Section 20688.5 is added to the Public  
33 Contract Code, to read:

34 20688.5. (a) This section provides an alternative and  
35 optional procedure that applies only to the Tustin  
36 Community Redevelopment Agency and the territory  
37 within a project area created pursuant to Article 7  
38 (commencing with Section 33492.100) of Chapter 4.5 of  
39 Part 1 of Division 24 of the Health and Safety Code.

1 (b) If the agency elects to proceed under this section,  
2 it shall cause estimates to be prepared and prepare  
3 documents for the solicitation of bids on a  
4 design-and-build basis. As used in this section,  
5 “design-and-build” means a method of procuring design  
6 and construction from a single source. The selection of  
7 the single source occurs before the development of  
8 complete plans and specifications.

9 (c) The request for submittals shall include all of the  
10 following:

11 (1) A clear and precise description of the services to be  
12 provided and the work to be performed.

13 (2) A description of the format that the submittals shall  
14 follow and the elements that they shall contain, including  
15 the qualifications and relevant experience of the design  
16 professional and the contractor, and the criteria that the  
17 agency shall use to evaluate the submittal, including the  
18 bid price.

19 (3) The date on which the submittals are due, and the  
20 timetable that the agency will use to review and evaluate  
21 the submittals.

22 (d) In addition to the information required by  
23 paragraph (2) of subdivision (c), the bidders shall submit  
24 their proposal with the construction bid price and all cost  
25 information in a separate sealed envelope.

26 (e) Prior to opening the separated sealed envelopes,  
27 the agency shall review all proposals received to  
28 determine those that meet the format requirements and  
29 the standards specified in the request for submittal.

30 (f) The agency shall award the contract to a  
31 responsible bidder that meets the standards of the  
32 request for submittal at a fair and reasonable cost.

33 (g) For the purposes of this section, the selection of  
34 design professionals shall meet the standards of Chapter  
35 10 (commencing with Section 4525) of Division 5 of Title  
36 1 of the Government Code.

37 (h) This section applies only to the following:

38 (1) The construction of public roads, storm drains,  
39 sewers, water lines, flood control facilities, and public  
40 buildings.

1 (2) *The installation of utilities.*

2 (3) *The renovation or preservation of public buildings.*

3 (4) *The demolition, construction, or installation of*  
4 *other public improvements that support the*  
5 *redevelopment of the Tustin Marine Corps Air Station*  
6 *within the project area.*

7 (i) *This section applies only to a project that is under*  
8 *the supervision of a licensed general building contractor*  
9 *within the meaning of Section 7057 of the Business and*  
10 *Professions Code.*

11 (j) *The authority provided by this section shall remain*  
12 *in effect only for seven years from the date of the*  
13 *execution of a deed or lease in furtherance of the*  
14 *conveyance by the United States Department of Defense*  
15 *to the City of Tustin or the Tustin Community*  
16 *Redevelopment Agency of the real property on which*  
17 *these public improvements will be located.*

18 SEC. 3. *The Legislature finds and declares that a*  
19 *special law is necessary and that a general law cannot be*  
20 *made applicable within the meaning of Section 16 of*  
21 *Article IV of the California Constitution because of the*  
22 *unique circumstances of the City of Tustin and the Tustin*  
23 *Community Redevelopment Agency. The facts*  
24 *constituting the special circumstances are:*

25 *The City of Tustin is required by the United States*  
26 *Department of Defense to use the proceeds from land*  
27 *sales, leases, or equivalent conveyances at Tustin Marine*  
28 *Corps Air Station on specified public improvements*  
29 *within seven years of a deed or a lease in furtherance of*  
30 *conveyance to the city or the Tustin Community*  
31 *Redevelopment Agency by the United States*  
32 *Department of Defense. These unique circumstances*  
33 *require the City of Tustin and the Tustin Community*  
34 *Redevelopment Agency to contract public*  
35 *improvements needed for the redevelopment of the*  
36 *Tustin Marine Corps Air Station at a rapid pace.*

37 ~~*and Safety Code, to read:*~~

38 ~~*33492.114. Notwithstanding Section 20162 of the*~~  
39 ~~*Public Contract Code, the City of Tustin may negotiate*~~  
40 ~~*and award design and build contracts for the construction*~~

1 of public roads, storm drains, sewers, water lines, flood  
2 control facilities, public buildings; the installation of  
3 utilities; public building renovation or preservation; and  
4 for the demolition, construction, or installation of other  
5 public improvements that support redevelopment at  
6 Tustin Marine Corps Air Station, if the contracts are  
7 entered into within seven years after the execution of a  
8 deed or lease in furtherance of the conveyance by the  
9 United States Department of Defense to the city of the  
10 real property on which these public improvements will  
11 be located.

12 ~~SEC. 2.~~

13 *SEC. 4.* This act is an urgency statute necessary for  
14 the immediate preservation of the public peace, health,  
15 or safety within the meaning of Article IV of the  
16 Constitution and shall go into immediate effect. The facts  
17 constituting the necessity are:

18 The City of Tustin is required by the United States  
19 Department of Defense to use the proceeds from land  
20 sales, leases, or equivalent conveyances at *the* Tustin  
21 Marine Corps Air Station on specified public  
22 improvements within seven years of a deed or a lease in  
23 furtherance of conveyance to the city by the United  
24 States Department of Defense. In order that the relief  
25 from public bidding requirements needed to meet this  
26 expenditure deadline is provided at the earliest possible  
27 time, it is necessary that this act take effect immediately.

